

REMARKS

Claims 1-20 are pending at the time of this action. Claims 1, and 4-5 are currently amended. Applicants submit that the claim amendments were made for clarification purposes only. No new limitations have been added. Reconsideration and allowance of the above-referenced application are respectfully requested.

Claim Rejections under 35 U.S.C. § 102(b)

Claims 1, 4, and 5 stand rejected under 35 U.S.C. § 102(b). A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. Applicants respectfully submit that Claim 1 is not anticipated by the Banko reference because each and every element is not found in Banko.

For example, claim 1 recites an elongated shank having a proximal end, an intermediate portion, and a distal end, the proximal end, intermediate portion, and distal end extending along at least one straight, central axis. The Banko device extends along a curved axis. Thus, Banko does not show each and every element of claim 1.

In addition, claim 1 recites a void in the intermediate portion, wherein the void is offset relative to the central axis such that the intermediate portion has a thickness that is greater on a first side of the axis than on a second side of said axis and wherein the shank has an increased thickness in the proximal and distal ends relative to the intermediate portion. Banko fails to teach or suggest such features.

In view of the foregoing, Banko does not teach all of the limitations of claim 1. Accordingly, independent claim 1 and dependent claims 2-20 as amended herein should be in condition for allowance.

Claim Rejections under 35 U.S.C. § 103

Claims 2-3, 6-20 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Banko in view of multiple other references. These contentions are respectfully traversed. Claims 2-3 and 6-20 are dependent claims. For reasons discussed above, Banko does not teach all of the elements of independent claim 1. Thus, claims 2-3 and 6-20 are patentable based on

their dependence on claim 1, as well as on their own merit. Accordingly, claims 2-3, and 6-20 should be in condition for allowance.

Conclusion

The foregoing comments made with respect to the positions taken by the Examiner are not to be construed as acquiescence with other positions of the Examiner that have not been explicitly contested. Accordingly, the arguments for patentability of a claim should not be construed as implying that there are not other valid reasons for patentability of that claim or other claims.

In view of the amendments and remarks herein, Applicants believe that Claims 1-33 as amended herein are in condition for allowance. A formal notice of allowance is respectfully requested. In the event that the Examiner finds any remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney.

Please apply the extension of time fee, and any charges or credits, to deposit account 06-1050.

Respectfully submitted,

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